

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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GREGORY HARVEY

Plaintiff,

-v.-

Civil Action No.  
6:14-cv-1046 (GLS/ATB)

DAVID A. JALONAK, Postmaster,  
Utica, New York

Defendant.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

GREGORY HARVEY  
07-A-3479  
Plaintiff *Pro Se*  
Sing Sing Correctional Facility  
354 Hunter Street  
Ossining, New York 10562

GARY L. SHARPE,  
CHIEF JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed October 2, 2014. Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the

Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Andrew T. Baxter filed October 2, 2014 (Dkt. No. 8) is ACCEPTED in its entirety for the reasons stated therein; and it is further

ORDERED that plaintiff's motion to proceed IFP (Dkt. No. 2) is DENIED based on plaintiff's accumulation of three strikes under 28 U.S.C. § 1915(g); and it is further

ORDERED that this action is DISMISSED, unless plaintiff pays the \$400.00 filing fee in full within thirty (30) days of this order; and it is further

ORDERED that if plaintiff pays the filing fee, the Clerk is directed to return the complaint to the court for further review, and if plaintiff does not pay the filing fee or request an extension of time to do so, the complaint be dismissed without further order of the court; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the local rules.

IT IS SO ORDERED.

Dated: October 29, 2014  
Albany, New York

  
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Gary L. Sharpe  
Chief Judge  
U.S. District Court